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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/553,782      | 12/07/2005  | Nikolai Korpan       | 66376-366-7         | 3961             |

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| EXAMINER |
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BURK, CATHERINE E

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4185

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11/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/553,782 | <b>Applicant(s)</b><br>KORPAN ET AL. |  |
|                              | <b>Examiner</b><br>CATHERINE E. BURK | <b>Art Unit</b><br>4185              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

2. The disclosure is objected to because of the following informalities:

Page 3, 3<sup>rd</sup> paragraph, lines 3-4; applicant states “magnetic north pole of the first magnet faces towards the first housing wall and the magnetic south poles of the first magnet face towards the housing wall.” Disclosure should read “magnetic north pole of the central further magnet faces towards the first housing wall and the magnetic south poles of the first magnet face towards the housing wall.”

Page 5, paragraph beginning “The apparatus of Fig. 1...”, line 4; applicant writes “are arranged on the rotor 6”. Disclosure should read “are arranged on the rotor 4”.

Appropriate correction is required.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claims 6-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishikawa (US 6123657 A).

7. Regarding claims **1 and 3**; Ishikawa figure 4(a) shows a case (1) (housing) and a wall that comes in contact with the body (6) that is equivalent to applicant's first housing wall (applicant 1a). Figure 4(a) also shows a motor (2) situated inside the case (1) that rotates in a direction perpendicular to the wall of the housing closest to the area of the

body to be treated (6). The apparatus is configured so that said rotating means comprises a magnet holding member (3a) (equivalent to applicant's rotor), which holds one or more permanent magnets and a motor which rotates said magnet holding member (3a) (col. 2, lines 26-29). Two magnets (7a and b) are arranged on the magnet holding member, with their magnetic fields oriented in the same direction and parallel to the rotational axis. An additional magnet (8b) is also shown that is oriented coaxially to the rotation axis and in an opposite direction relative to the first magnets (7a and b). Ishikawa figure 4b shows that the additional magnet is attached in the central region of the magnet holding member (3b).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa (US 6123657 A) in view of Ota (US 6710483 B2).

10. Regarding **claim 2**; Ishikawa does not disclose that the further magnet is attached in a stationary manner to the housing.

11. However, Ota discloses a revolution type actuator comprising outer case (5a and b) (housing) and permanent magnet (2) attached to the outer case (5a and b) (col. 3, lines 49-62).

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12. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the scope of Ishikawa in view of Ota.

13. Doing so would allow the magnet to produce a uniform and stable magnetic field.

14. Regarding **claim 4**; Ishikawa does not disclose that the magnets are fastened in the region of radial rays of the rotor which have even angular distances.

15. However, Ishikawa does disclose an embodiment of his invention with eight magnets placed in a radial configuration around the magnet holding member (3a) with even angular distances (fig. 32).

16. It would have been obvious to one having ordinary skill in the art at the time of the invention to change the configuration of Ishikawa's device so that the permanent magnets were only fastened in the regions of the radial rays of applicant since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

17. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa (US 6123657 A) in view of Ota (US 6710483 B2) as applied to claim 4 above, and further in view of Zigler (US 5175461 A).

18. Regarding **claim 5**; Ishikawa does not disclose that the angular distances are 120 degrees.

19. However, Zigler discloses a permanent magnet rotor with longitudinally extending radially projecting ribs and a plurality of magnets disposed between pairs of ribs (col. 2, lines 57-65). In one example, the ribs are positioned for a three magnet rotor with the

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ribs, and the magnets disposed between them, spaced 120 degrees apart (col. 9, lines 45-47).

20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the scope of Ishikawa in view of Zigler.

21. Doing so would provide a device with three magnets placed evenly around the circular rotor that would produce a uniform and stable electric field.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention. Spiegel (US 2005/0065394 A1), Ashtiani (US 4936305 A), Bonlie (US 6210317 B1), Strohl (US 5545017 A), and Holcomb (US 2003/0092960 A1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE E. BURK whose telephone number is (571) 270-7130. The examiner can normally be reached on Monday-Thursday 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on (571) 272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CATHERINE E BURK/  
Examiner, Art Unit 4185

/Terrell L Mckinnon/  
Supervisory Patent Examiner, Art Unit 4185